

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 13-09-2005

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WRIT PETITION No.20116 OF 2005

Between:

S.Srinivasa Rao . . .Petitioner

And

The Govt. of A.P. and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20116 OF 2005

ORDER:

The petitioner was initially employed as N.M.R. worker in Sri Malleswara Swamy Temple, Peda Kakani, Guntur, in the year 1993. In the year 1998, his wages are said to have been enhanced. Thereafter, he was regularly appointed as Record Assistant on 14-05-2004.

The petitioner submitted a representation to the temple authorities for promoting him to the post of Junior Assistant. Thereupon, the temple authorities submitted proposals to the Commissioner, Endowments Department, Hyderabad, the second respondent. Through his proceedings dated 27-04-2005, the second respondent accorded permission for such promotion. The orders of the Commissioner were implemented by the temple authorities through their order dated 30-04-2005.

In the recent past, the Government of Andhra Pradesh took note of the large-scale irregularities committed by the Commissioner, who incidentally accorded permission for promotion of the petitioner. Several orders were passed either keeping the promotions accorded by such Commissioner in abeyance or cancelling them. In pursuance of one such orders, the petitioner has been reverted to the post of Record Assistant through orders dated 15-08-2005 passed by the Assistant Commissioner and Executive Officer of the temple. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned Standing Counsel appearing for the third respondent.

Identical question fell for consideration before this Court in a batch of writ petitions i.e. WP.Nos.19107 of 2005 and batch. After taking into account the relevant provisions of the Act and the factual aspects of the matter, this Court

disposed of the said batch of writ petitions through common order dated 09-09-2005 with certain directions. The present case stands on the same footing.

Following the said common order, this writ petition is disposed of directing that,

a) the first respondent shall issue notice to the petitioner pointing out the nature of irregularities said to have been committed by him and the action it proposes to take against the petitioner in the matter of promotion from the post of Record Assistant to Junior Assistant.

b) on consideration of the representation and the material on record, the first respondent shall pass appropriate orders within two months from the date of receipt of a copy of this order. Till such time, the petitioner shall continue to function as Record Assistant and in case, the Government drops its action, the petitioner shall have the benefit of continuity of service from the date of initial promotion. If the first respondent fails to pass orders as directed above, the petitioner shall continue to avail the benefit of promotion without prejudice to the right of the Government to take further action thereafter.

(L.NARASIMHA REDDY, J)

13th SEPTEMBER, 2005.

Note: furnish c.c. in three days.

b/o

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